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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-0149 MMC
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR CONTINUANCE FROM
v.)	SEPTEMBER 8, 2010 TO SEPTEMBER
)	15, 2010 AND EXCLUSION OF TIME
MICHAEL CHEN,)	FROM THE SPEEDY TRIAL ACT (7)
)	CALCULATION (18 U.S.C. 3161(h)(8)(A)
Defendant.)	AND 3161(h)(1)(F))

Based on the below

With the stipulation of the parties, the Court enters this order, continuing this matter from September 8, 2010 to September 15, 2010 and sets a change of plea or trial setting at 2:30 P.M. on that date. This time is excluded under the Speedy Trial Act, 18 U.S.C. 3161(h)(8)(A). The Court finds and holds, as follows:

1. An exclusion of time is warranted under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and ~~3161(h)(1)(F)~~ during the pendency of pretrial motions and to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

2. On September 7, 2010, ^{counsel} ~~Counsel~~ for the defense apprised that he as well as defendant were both ill during the last week and were unable to prepare for an intended disposition by plea which the Court had set for September 8, 2010. They seek a week's continuance for this

1 purpose.

2 3. Given these circumstances, the Court finds that the ends of justice served by
3 excluding the period noted above outweigh the best interest of the public and the defendant in a
4 speedy trial. 18 U.S.C. § 3161(h)⁽⁷⁾~~(8)~~(A).

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6 IT IS SO STIPULATED:


7 MELINDA HAAG
8 United States Attorney

9 /s
10 BLAKE D. STAMM
11 Assistant United States Attorney
12 Attorneys for the United States

13 /s
14 IAN LOVESETH
15 Attorney for Michael Chen

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18 IT IS SO ORDERED.

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20 DATED: September 7, 2010

21 
22 HON. MAXINE M. CHESNEY
23 United States District Court Judge
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26
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28 Stipulation and ~~proposed~~ Order,
Case No. CR-09-00149 MMC